

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

UNITED STATES OF AMERICA)	Case No. 4:21-cr-20
)	
v.)	Judge Atchley
)	
JAMES DUTTON)	Magistrate Judge Steger

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 143] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One (lesser included offense) and Count Two of the four count Superseding Indictment; (2) accept Defendant's guilty plea to Count One (lesser included offense) and Count Two of the four count Superseding Indictment; (3) adjudicate Defendant guilty of conspiracy to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846; (4) adjudicate Defendant guilty of possession with intent to distribute a mixture and substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); and (5) order that Defendant remain in custody pending sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 143] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count One (lesser included offense) and Count Two of the four count Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count One (lesser included offense) and Count Two of the four count Superseding Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of conspiracy to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846;
4. Defendant is hereby **ADJUDGED** guilty of possession with intent to distribute a mixture and substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); and
5. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place on **February 29, 2024, at 10:00 a.m.**

SO ORDERED.

/s/Charles E. Atchley, Jr.

CHARLES E. ATCHLEY, JR.

UNITED STATES DISTRICT JUDGE